

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FERMIN ALDABE,

Plaintiff,

-against-

SULLIVAN & CROMWELL LLP, JAMES L.
BROMLEY, and FABIO WEINBERG CROCCO,

Defendants.

ANALISA TORRES, District Judge:

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23 Civ. 850 (AT) (GWG)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On September 25, 2022, Plaintiff *pro se*, Fermin Aldabe, filed this action against Defendants Sullivan & Cromwell LLP, James L. Bromley, and Fabio Weinberg Crocco in New York state court, bringing claims related to Defendants' representation of an entity called Atlantic International Bank. ECF No. 1-3. On January 13, 2023, Plaintiff amended his complaint. ECF No. 1-4. On February 1, 2023, Defendants removed the case to federal court pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446. ECF No. 1. On March 14, 2023, Plaintiff again amended his complaint, omitting his federal claims and only bringing claims based on conversion and intentional infliction of emotional distress. ECF No. 27. On April 4, 2023, Defendants moved to dismiss Plaintiff's second amended complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). ECF Nos. 28–30. On April 5, 2023, the Court referred the motion to Magistrate Judge Gabriel W. Gorenstein. ECF No. 31.


After careful consideration, Judge Gorenstein issued a Report and Recommendation ("R&R"), proposing that the Court exercise supplemental jurisdiction over Plaintiff's claims and that Defendants' motion to dismiss be granted. R&R, ECF No. 35. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 17; *see* Fed. R. Civ. P. 72(b)(2); ECF No. 24 (Plaintiff consenting to receive electronic service). When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Gorenstein's R&R in its entirety. Defendants' motion to dismiss is GRANTED. Plaintiff's claims are DISMISSED with prejudice.

The Clerk of Court is directed to terminate the motion at ECF No. 28 and close the case.

SO ORDERED.

Dated: November 1, 2023
New York, New York



ANALISA TORRES
United States District Judge